

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States of America,
Government

v.

Case No. 12-cr-130-1-SM

Frederick V. McMenimen, III,
Defendant

PRETRIAL ORDER

A pretrial conference was held on October 23, 2014. Present were Assistant United States Attorney William E. Morse, on behalf of the government; and Bjorn R. Lange, Esq., and William E. Christie, Esq., on behalf of defendant.

IT IS ORDERED:

1. Trial will begin with jury selection at **9:30 a.m. on November 4, 2014**. Although the jury will be drawn on November 4, 2014, the case will not begin with the presentation of evidence until **November 5, 2014, at 9:00 a.m.** The parties estimate that trial will require six (6) days. In order to keep counsel informed as to their status on the trial list, counsel are directed to contact the clerk's office, courtroom deputy in charge, for further updates on the case.

2. The government shall be entitled to six (6) peremptory challenges. Defendant shall be entitled to ten (10) peremptory

challenges. Each side will be allotted one (1) additional peremptory challenge of alternate jurors.

3. The parties shall exchange witness lists and file a copy with the court on or before **October 28, 2014**.

4. Requests for jury instructions should be submitted in duplicate on or before **November 4, 2014**. Additions and/or amendments thereto will be considered if submitted before the close of trial. Requests shall be submitted in a logical sequence, shall be non-argumentative, and shall set forth an accurate statement of the law as it applies to the case. Counsel need not submit "boilerplate" instructions. The court anticipates providing counsel with a draft charge in sufficient time to meaningfully review the jury instructions and make suggestions prior to the close of trial.

5. Requests for special voir dire questions may be submitted no later than **8:30 a.m. on November 4, 2014**, in chambers.

6. Exhibits are to be premarked and submitted, together with any objections, to the clerk's office on or before **October 28, 2014**. Exhibits shall otherwise be handled in accordance with the document entitled "Procedure for Marking Exhibits."


7. Should the parties file a notice to utilize the Jury Evidence Recording System ("JERS") at trial, each party's trial exhibits will be submitted in paper and on Data Storage Devices

no later than **October 28, 2014**, seven days prior to jury selection (LR 83.15(a)). Exhibits submitted for utilization on JERS are to be provided in accordance with the court's instructions, "How to Submit Electronic Exhibit Files," located on the court's website, www.nhd.uscourts.gov, Court Technology.

8. All motions in limine shall be filed on or before **October 28, 2014**; responses to said motions shall be filed on or before **November 3, 2014**.

9. The government has produced all required discovery and made appropriate disclosure (open file discovery).

SO ORDERED.


Steven J. McAuliffe
United States District Judge

October 23, 2014

cc: William E. Morse, AUSA
Bjorn R. Lange, Esq.
William E. Christie, Esq.
U.S. Probation
U.S. Marshal